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09/647,378	11/08/2000	Itaru Kawakami	KOIK-T0185	7333

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OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC  
1755 JEFFERSON DAVIS HIGHWAY  
FOURTH FL  
ARLINGTON, VA 22202

EXAMINER

CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/647,378

Applicant(s)

KAWAKAMI ET AL.

Examiner

Paul Callahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 9-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 9, 10, 14, 20 and 22-27 is/are allowed.
- 6) ☒ Claim(s) 11-13, 15, 17-19, 21 and 28-35 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. Claims 1-4, and 9-35 are pending in this application and have been examined.

***Response to Arguments***

2. Applicant's arguments filed 1-24-2004 have been fully considered but they are not persuasive.

The applicant argues that Hsu does not teach receiving data in one format, and and compressing the data in a second format. Yet a careful reading of Hsu shows that such is indeed taught at Claim 1, where application driven data transforms are performed at first and second logical areas, and claim 4 where these transforms are taught as encryption and or compression.

The applicant argues that Hsu does not teach a comparison between a computation of a computing structure and that of a past computation, yet such is taught by Hsu at col. 12 lines 50-67.

The applicant argues that Hsu fails to teach an external apparatus. Yet such is taught by Hsu at fig. 1 item 20 "Peripheral Devices".

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hsu, US 5,584,023.

As for claim 12, Hsu teaches an information processing apparatus comprising: means for imputing content data (abstract); means for storing the content data supplied from the input means (abstract, fig. 1 item 22); means for compressing the content data stored in the content storage means in a predetermined means (abstract); means for encrypting the data stored in the content data storing means in a predetermined manner (abstract, fig. 4C, item 56 "Encryption Table"); Means for controlling reading/writing, of the compressed and encrypted data into or out of the content data storing means, of the content data compressed by the compressing means and encrypted by the encrypted means, (abstract, fig. 1 item 18 "Disk Controller").

As for Claims 11 and 13, Hsu teaches an information processing apparatus comprising an interface (col. 5 lines 30-35) via which content data is supplied from a predetermined recording medium or server, a storage medium configured to store content data supplied by the interface (abstract, fig. 1 item 22); a compression program configured to compress content data for storage into the storage medium in a predetermined manner in accordance with a first data format (abstract); an encryption

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program configured to encrypt the content data for storage into storage medium in a predetermined manner in accordance with a first data format (abstract, fig. 4C, item 56 "Encryption Table"); a controller configured to control reading and writing, into or from the storage medium, the content data having been compressed by the compression program and encrypted by the encryption program (abstract, fig. 1 item 18 "Disk Controller"); The compression program compressing, or the encryption program encrypting, content data supplied via the interface and having been provided in different formats, in the same format or different formats, respectively, for storage into the storage medium (abstract), and converting into a common format, when reading from the storage medium the content data having been compressed or encrypted in the different formats, respectively, for use by the apparatus or delivery to a predetermined portable device (fig. 1 item 20, abstract, fig. 40). Hsu teaches an output device that is a portable device (col. 2 lines 60-67). Claim 13 represents the method utilizing the apparatus of claim 11 and is rejected on the same basis as that claim.

5. Claims 15, 17, 18, 19, 21, and 28-35 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Iwayama et al. US 5,832,083.

As for claim 15, Iwayama teaches an information processing apparatus comprising: an input for receiving content data (abstract); a first storage area configured to store the content data supplied from the data input means (col. 2 lines 30-38); a second storage area for configured to store management information for the content

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data stored in the content data storing means (abstract); means for making a predetermined calculation based on the management information held in the second storage area (col. 3 lines 8-22); means for controlling usage of the content data stored in the first storage area according to the result of a comparison made between the result of the computation made by the computing means and that of the past computation which is stored in the first storage area (col. 3 lines 8-22).

As for claim 17, Iwayama teaches data that is music data and management information that includes identification information for identification of the music data (col. 2 lines 18-25).

Claim 19 represents the method utilizing the apparatus of claim 15 and is therefore rejected on the same basis as that claim.

Claim 21 represents the computer program product embodied in a computer-readable memory medium that when read out, causes the apparatus of claim 15 to carry out the method of claim 19. Claim 21 is therefore rejected on the same basis as claims 15 and 19.

As for claims 18, 28, 30, 32, 33, and 35 Iwayama teaches an information processing apparatus comprising; a first memory area configured to store data (abstract, col. 2 lines 30-35); a second memory area configured to store a usage rule for

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the data stored in the data storing means (fig. 8 item 2b, 2c); means for judging whether or not, when moving data stored in the first storage area to (the) other apparatus, the usage rule for the data stored in the first storage area is reproducible by the other apparatus (col. 2 lines 49-57: "Permitting Device"); means for moving, based on the result of the judgment by the judging means, the data stored in the first storage area to the other apparatus along with the usage rule for the data stored in the data storing means, which is held in the second storage area (col. 2 lines 60-67, col. 3 lines 1-67).

As for claims 29, 31, and 34, Iwayama teaches a usage rule that includes a playback limiting condition (abstract); a playback accounting condition (col. 5 lines 24-30); or a copy limiting condition.

***Allowable Subject Matter***

6. Claims 1-4, 9, 10, 14, 20, and 22-27 are allowed.
7. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 3 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following US Patent document teaches features pertinent to the applicant's invention.

Atalla            5,588,991

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.



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If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

5-15-2005

*Paul Callahan*

*Matthew D. Smithers*  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
*Art Unit 2137*